

Appl. No.: 10/032,717
Amdt. dated 02/19/2009
Reply to Office Action of October 24, 2008

REMARKS/ARGUMENTS

Claims 1-3, 9-12, 17-18, 38-40, 43-46, 49-52, and 55-64 are pending in the application. Claims 1, 9, 17, 38, 43, 49, 55, 56, 58, 59, 63, and 64 have been amended. Support for the amendments can be found in the specification, particularly page 19, lines 11-22. No new matter has been added by way of amendment. Reexamination and reconsideration of the application in view of the amendments are respectfully requested.

Applicants' representative wishes to thank the Examiner for the telephone interview of February 5, 2009 and for providing helpful suggestions as to claim amendments to further prosecution. As discussed in the interview, the claims have amended to be drawn to a nucleic acid encoding a protein having percent identity to SEQ ID NO:2, with 90% sequence identity to SEQ ID NO:2 being the broadest claim. As the Examiner has indicated that such claims would be allowable, it is believed that the claims are now in condition for allowance.

Should the Examiner have further questions or comments to further the prosecution of the above-referenced application, the Examiner is invited to call the undersigned attorney.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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